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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-576

MONIQUE CHERI PRICE
302 35th Ave. NE
Birmingham, AL 35215

DEFAULT DECISION AND ORDER

Registered Nurse License No. 708404

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about December 27, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-576 against Monique Cheri Price (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about July 24, 2007, the Board of Registered Nursing (Board) issued Registered Nurse License No. 708404 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2011, unless renewed.

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1 3. On or about December 27, 2010, Respondent was served by Certified Mail and First
2 Class Mail copies of the Accusation No. 2011-576, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
5 Code section 136 and California Code of Regulations, title 16, section 1409.1, is required to be
6 reported and maintained with the Board, which was and is:

7 302 35th Ave. NE
8 Birmingham, AL 35215.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon her
19 of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
20 No. 2011-576.

21 7. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Board's offices regarding the allegations contained in Accusation

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No. 2011-576, finds that the charges and allegations in Accusation No. 2011-576, are separately and severally true and correct by clear and convincing evidence.

9. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,210.00 as of January 25, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Monique Cheri Price has subjected her Registered Nurse License No. 708404 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

a. Violation of Business and Professions Code section 2761, subdivision (a)(4), in that on or about September 21, 2007, the Alabama Board of Nursing entered into a Consent Agreement with Respondent to discipline Respondent's Alabama Nursing License No. 1-098400 for violating the Code of Alabama 1975 section 34-21-25, and the Alabama Board of Nursing Administrative Code, section 610-X-8, for the following reasons:

(1) On September 2, 2006, while employed at UAB Medical Center in Birmingham, Alabama, Respondent practiced beyond her scope when she administered propofol without a physician's order. Respondent failed to document the administration of the medication on the MAR or nurses' notes.

b. Pursuant to the Consent Agreement, Respondent's Alabama Nursing License was placed on probation with terms and conditions which included satisfactorily completing within three (3) months from the effective date of the Order Board-approved courses/programs on legal/ethical aspects of nursing and professional boundaries, and to provide documentation of completion to the Board. Respondent failed to comply with the Alabama Board of Nursing Probation and, on March 23, 2010, the Alabama Board of Nursing accepted a voluntary surrender of Respondent's Alabama Nursing License No. 1-098400.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 708404, heretofore issued to Respondent Monique Cheri Price, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 27, 2011.

It is so ORDERED March 28, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID:LA2010601175
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Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West A Street, Suite 1100
5 San Diego, CA 92101
Telephone: (619) 645-2105
6 Facsimile: (619) 645-2061

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2011-576*

12 **MONIQUE CHERI PRICE**
13 **302 35th Ave NE**
14 **Birmingham, AL 35215**

ACCUSATION

15 **Registered Nurse License No. 708404**

16 **Respondent.**

17 **Complainant alleges:**

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about July 24, 2007, the Board issued Registered Nurse License Number
24 708404 to Monique Cheri Price ("Respondent"). The registered nurse license was in full force
25 and effect at all times relevant to the charges brought herein and will expire on March 31, 2011,
26 unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

• • • • •

6. Section 118 subdivision (b) of the Code grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

COST RECOVERY

2

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Alabama State Board of Nursing)**

5 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
6 on the grounds of unprofessional conduct, in that she was disciplined by the Alabama State Board
7 of Nursing ("Alabama Board"), as follows:

8 9. On or about March 24, 2010, pursuant to a Voluntary Surrender, in the disciplinary
9 action entitled *In the Matter of Monique Cheri Price, License No. 1-098400*, the Alabama Board
10 accepted the Voluntary Surrender of Respondent's nursing license.

11 10. The Alabama Board based its Order on the following facts:

12 a. On or about September 2006, Respondent was employed as a Registered Nurse at
13 UAB Medical Center, Birmingham, Alabama.

14 b. On or about September 2, 2006, Respondent, while on duty at UAB Medical Center,
15 practiced beyond her scope when she administered Propofol without a physician's order.
16 Respondent failed to document the administration of the medication on the MAR or in the
17 nurse's notes.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 11. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
21 grounds of unprofessional conduct, Respondent committed acts constituting unprofessional
22 conduct, as more particularly set forth in paragraphs 8 through 10, above.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 708404, issued to
27 Monique Cheri Price;
28

2. Ordering Monique Cheri Price, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED:

DATED: December 27, 2010

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Executive Officer

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2010601175